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For the little fellows from 3 to 8 yeas, has never been equalled. LARGE VARIETY. SMALL PRICES.

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Is your best-if we can do better by you (clothingly speaking) than others can-then our efforts have been fruitless. For that is the point we have sought to obtain-maybe it's conceit upon our part-butwe honestly believe that our Ready-Tailored Suits and Overcoats are the best productions in the art of clothes making that you can find in this city or any other city. Why! do we believe it, because we have aimed to make them so-we have personally devoted our time, money and experience to make them all that we claim them to be-the best garments in the world-for Wheeling and surrounding country. Prices \$8 to \$30. Your money back when it's wanted,

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A Knife given with every Boy's Suit,

SPECIAL SALE OF CARPETS, ETC.

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Wake Up! The person must indeed be asleep who is missing the LOW PRICE opportunities that run all through our stock just now. You know a good thing when you see it. Come in and we will show you better values than has ever been offered before. Act quickly and save money. Such prices will not last long.

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THE CIGARETTE LAW

Held to be Constitutional by the Criminal Court.

JUDGE HUGUS'S LEARNED OPINION

Seems to go to the Bottom of the Matter-The Law was Regularly and Properly Passed, the Title is Adequate and Correct and the Law not Open to Legal Objections, Does not Discriminate.

In the criminal court yesterday William Murphy plead guilty to assault on "Simple Joe" Plankey. Sentence was deferred until Saturday.

Rita Moore plead guilty to loitering in a house of ill fame, and in default of \$5 and costs was remanded to jail.

The denurrer to the indictments in the cases of James B. McKee and C. R. Gostze, for selling cigarettes without a license, which were argued and submitted to the court at the last term, were overruled. The cases come up for trial November 18.

Raymond, G. Scott was admitted to practice at the bar in this court.

The docket was called and a few unimportant cases were set for trial,

important cases were set for trial.

The eigarette decision has been look-ed for with great interest. The opin-ion delivered by Judge Hugus was com-plete and will no doubt be regarded as

ion delivered by Judge Hugus was complete and will no doubt be regarded as to a great extent settling the questions involved in the contest.

Judge Hugus in his opinion says: "The first question raised by the demurrer in these cases is, that chapter two of the acts of the legislature of West Virginia, for 1895, is unconstitutional in that it conflicts with so much of the constitution as requires that she object of the act shall be expressed in the title. The act in question is ontitled an act to amend and re-enact sections one, two, twenty-six and eighty-four, of chapter thirty-two of the code of West Virginia. The amended sections are printed in full. They and the chapter to which they belong are distinctly stated in the title by numbers. The title is sufficient. "The exert question raised is that it never passed either branch of the legiclature under its present title, nor was it read on three separate days in the senset as required by section 29 of article 6 of the constitution, and that it was never enrolled under that title."

The opinion then goes into detail and recounts the passage of the bill and all the circumstances connected with its treatment in the house. There is no question that it passed regularly and its passage was duly communicated to the house of delegates. The judiciary committee to whom it was referred sent it back with a substitute, was withdrawn, and amended, and the amendment thus proposed was printed in the house journal.

The judge examples the record as to

proposed was printed in the house jour-

nal.

The judge examines the record as to the passage of the law, and concludes that it was legally enacted, duly enrolled, properly presented to the governor, and that its title is proper. He says also that it is not true, as alleged, "that it does not tax by equal and uniform laws the privileges of persons; nor is it obnoxious to the United States constitution as an attempted regulation." nor is it obnoxious to the United States constitution as an attempted regulation of commerce between the states. In section one of this chapter there is provision for licensing wholesale and retail dealers in paper wrapper cigarettes and cigarette papers, but it is only provided that retailers shall pay a license tax. The exemption of one class from a license tax altogether, or the imposition of a different tax on one class does not render alicense law unconstitutional as to another different class does not render a license law unconstitutional as to another different
class of whom a license is required.
Such class has only the right to demand that the tax it pays shall be paid
by all of the class, in a strictly equal
and uniform manner and amount.
Under chapter II all retailers of cigarettes and wrappers pay the same tax in
the same way. The tax they pay and
the conditions they are required to observe is uniform as to all of them. It is
in full compliance with the constituin full compliance with the constitution. The chapter is not obnoxious to the constitution of the United States, as an attempt to regulate inter-state commerce." commerce

The act, Judge Hugus decides, does The act, Judge Hugus decides, does not discriminate between residents and non-residents. Anybody in the county of Onto, or anybody from the state of Onto, can sell digarettes at retail in Ohio county upon obtaining a liceuse and paying the tax. The privilege is open to ni on the same terms. It is not an interference with inter-state commerce. I have examined the act te see if its provisions were so uncertain act to not an interference with inter-state com-merce. I have examined the act to see if its provisions were so uncertain as to render it incapable of proper execution. Sections No. 1 and 2 of chapter 32 specify a number of privileges, for the prosecution of which a license is re-quired. For some of these privileges the license is limited to a certain house, and for the rest the license is co-exten-sive with the county, and the privileges can be carried on at any place within the county in which the license is granted.

As throwing light on the question of the constitutionality of the act the

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the constitutionality of the act the

court savs:

the constitutionality of the act the court says:

Distillers and browers are required to take out a license and to pay a tax graded according to the amount of their annual -preduction, and there are no other limitations. Stating rinks and shooting galleries are required to have a license and to vay a tax. For the former the tax corresponds in amount to the size of the piece, but for the latter there is but one amount. Licenses are required of and a license and upon traveling salesmen of sewing machines, lightning rods and musical instruments, but there are no other conditions. In this respect these are like pawnbrokers and retailers of cigarettes. The constitutionality of the provision of the statute requiring such a license of traveling salesmen was afternatively decided in the case of the state vs. Richards. It is true that this case was considered by the supreme court with respection of the United States, giving to Congress the power to regulate commerce between the states. It cannot be well conceived how, if the constitutionality of that clause was open to other adverse criticism the able counsel for the appeliant, or the court itself, did not adhere to it. Their silence argues much for the constitutionality of the act in respect to the grounds on which the cigarette law is assailed. If the net with respect to the provinces of those araveing salesmen is constitutional, how can the act of 1805, be void for uncertainty. It was laid down as a rule of constitution in Since vs. Richards that a court will not declare a statute unconstitutional unless it is cleariy so. It is not class that there are no much uncertainty about the provisions of chapter II of the acts of 1805 as to warrant its being hed unconstitutional. Distillers and browers are required to

Concempt of Court.

Judge Paull vesterday entered a va-cation order in the case of hisry R.

Phillips vs. George W. Phillips, finding that the defendant is in contempt, in falling to pay alimony as ordered by the court, and directing that a rule be issued for him, returnable November 11.

Unanimously Elected Pastor.

Rev. Joseph Donahey was unanimously elected pastor of the Bridgeport Presbyterian church on Wednesday night. Only one ballot was taken. Rev. S. J. Bogle, of Martin's Ferry, acted as moderator. Rev. J. K. McKallip, formerly of Bellaire, declined the call because the vote was not unanimous. The Rev. Mr. Donahey has been pastor of a Presbyterian church at Denver, Colo. He will take charge at Bridgeport next Sunday. He was formerly at Barnesville and is highly spoken of. Unanimously Elected Pastor.

HAVE you seen those elegant \$6 00 Trouserings? You should not fail to order a pair at C. HESS & SONS'.

DIFD.

HACK - On Wednesday, November 6, 1895, at 5:10
D'clock a. m. KLIZABETH, wife of George
Hack, in her 58th year.
Funeral from the family residence, No. 148 Righteenth street, Friday morning at 8:20 o'clock.

Mass at St. Alphonsus church at 9 o'clock. Friends of the family respectfully invited to attend. Interment at Mr. Calvary Cemetery.

SHIPMAN-On Wednesday, November 6, 1895, at 1840 °clock p. m., Chaisman Shipman, in his 76th year. Funeral services at family residence, No. 462 Na-tional Road, Friday morning at \$250 °clock. Friends of the family respectfully invited to attend. Interment at Short Creek Cemeter

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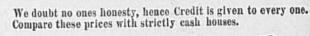
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\$3.65 Another name product the Wheeling Pottery how much we use of their ware. Cash or easy payments.



\$2.47 For this 10-piece decorated Toilet Set; Wheeling make, why pay more for imported ware when you can support home industry? Cash or easy payments.



\$1.67 Hard Rubber Wringer. Others sell it for \$2.5). We sell it for \$1.67 on only payments, because we buy them cheaper than any one size.



\$10.25 Large Size Cook Stove of Wheeling make. 50 cents a week until



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